

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
V.	§	4:04-CR-151(1)
	§	
SCOTTIE JOE WORTHINGTON	§	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

On November 17, 2008, the Court held a hearing on the Government's Petition to Revoke Supervised Release. The Government was represented by Assistant United States Attorney Randy Blake. Defendant was represented by R. J. Hagood.

Defendant was sentenced on April 28, 2005 before the Honorable Richard A. Schell of the Eastern District of Texas after pleading guilty to the offense of Possession of an Unregistered Firearm, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 17 and a criminal history category of I, was 24 to 30 months. Defendant was subsequently sentenced to 24 months imprisonment followed by a two-year term of supervised release subject to the standard conditions of release, plus special conditions to include drug aftercare; obtain a General Education Development ("GED"); and a \$100 special assessment. On November 3, 2006, Defendant completed his period of imprisonment and began service of the supervision term.

On March 11, 2008, the instant petition to revoke was filed. In its petition, the Government alleges Defendant violated the following conditions:

- 1) Defendant shall not commit another federal, state, or local crime. Specifically, the

Government alleges as follows: As previously reported to the Court on November 26, 2007, and as alleged in Grayson County cause number 056854-336, on August 9, 2007, the defendant committed the offense of Indecency with a Child Sexual Contact. The case was indicted and filed for prosecution on January 23, 2008. On September 13, 2007, the defendant posted a \$25,000 bond. As alleged in Grayson County cause number 0556991-336, on October 9, 2007, the defendant committed the offense of Sexual Assault. The case was indicted and filed for prosecution on February 27, 2008. On February 7, 2008, the defendant posted a \$20,000 bond.

2) Defendant shall not commit another federal, state, or local crime. Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician. Specifically, the Government alleges as follows: As previously reported to the Court on November 26, 2007, on September 12, 2007, the defendant was arrested for the offense of Public Intoxication by the Edmond Oklahoma Police Department. A \$244 fine was paid, and the defendant was placed on six months probation.

3) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer. Defendant shall not leave the judicial district without the permission of the Court or probation officer. Specifically, the Government alleges as follows: The defendant failed to notify the U.S. Probation Officer of his arrest by the Edmond Oklahoma Police Department within seventy-two hours. The defendant disclosed his arrest on October 26, 2007. On September 12, 2007, the defendant traveled outside the Eastern District of Texas without permission as evidenced by his arrest for Public Intoxication.

The Court scheduled a revocation hearing November 17, 2008. At the hearing on the

Government's petition, Defendant pled true to the allegations as set forth above. Defendant consented to the undersigned's taking of the plea. Based upon the Defendant's plea of true to the allegations, the Court found Defendant violated his conditions of supervised release as alleged in the U.S. Probation Office's violation petition. The Court thereafter recommended Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen months, with no term of supervised release to follow. Based on the foregoing, it is

RECOMMENDED that Defendant's plea of true to the allegations as set forth in the Government's petition be **ACCEPTED**. Further, it is

RECOMMENDED that Defendant's supervised release be **REVOKED**. Further, it is

RECOMMENDED that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen months, with no term of supervised release to follow.

The parties were informed of the right to file objections to the recommendations as set forth above. Defendant was also advised that he has the right to be present with counsel, to speak in his own behalf, and to have counsel speak in his behalf before any additional sentence is imposed.

SIGNED this 18th day of November, 2008.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE